

MEMORANDUM

Agenda Item No. 11(A) (15)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners


DATE: January 10, 2008

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution Urging Congress
and/or U.S. Department of
Health & Human Services
To Suspend Not Terminate
Medicaid for Persons
Incarcerated

R-57-08

The accompanying resolution was prepared and placed on the agenda at the request of Commissioner Sally A. Heyman, Commissioner Katy Sorenson and Commissioner Rebeca Sosa.



R. A. Cuevas, Jr.
County Attorney

RAC/dcp

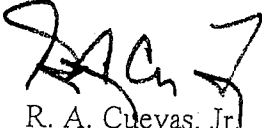


MEMORANDUM

(Revised)

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SUBJECT: Agenda Item No. 11(A)(15)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A) (15)
01-10-08

RESOLUTION NO. R-57-08

RESOLUTION URGING THE U.S. CONGRESS AND/OR THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES TO AMEND FEDERAL LAW TO ALLOW FEDERAL FINANCIAL PARTICIPATION FOR MEDICAL BENEFITS TO INCARCERATED BUT UNADJUDICATED INDIVIDUALS; URGING THE FLORIDA LEGISLATURE TO SUSPEND RATHER THAN TERMINATE MEDICAID BENEFITS FOR PERSONS CHARGED WITH A CRIME AND/OR INCARCERATED FOR LESS THAN A YEAR

WHEREAS, the United States Code of Federal Regulations, Title 42, Part 435.1009 states that federal financial participation (“FFP”) is not available in expenditures for services that are provided to individuals who are inmates of public institutions; and

WHEREAS, states, being unable to fiscally assume the federal share of providing medical services to FFP eligible persons being held in county jails and detention facilities, tend to terminate or sometimes suspend eligibility; and

WHEREAS, the immediate termination of benefits occurs before the issuance of formal charges or conviction; and

WHEREAS, counties must provide medical services to all persons incarcerated in local jails and detention facilities; and

WHEREAS, as the result of this regulation to immediately terminate FFP for medical benefits, all costs of medical care must be borne solely by counties; and

WHEREAS, in Florida, the state's current policy is to terminate Medicaid eligibility of any person that is charged with a crime and confined in jail, including any period of pre-trial confinement; and

WHEREAS, as a result of this policy, the previously-eligible Medicaid recipient must reapply to the Department for a determination of eligibility upon release from confinement; and

WHEREAS, this reapplication process takes anywhere from 60 to 120 days, during which time the individual will most likely access any needed medical care through county or public hospital emergency rooms and publicly-funded health clinics; and

WHEREAS, state legislatures in Minnesota and New York recently have passed legislation that suspend rather than terminate a person's Medicaid eligibility when they are charged with a crime and confined in a county jail for limited periods of time; and

WHEREAS, suspending rather than terminating Medicaid benefits allows these benefits to be reinstated quicker once a person is released, either after being found not guilty or serving a sentence of less than one year; and

WHEREAS, suspending rather than terminating Medicaid benefits reduces costs to counties and public hospitals,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Urges the U.S. Congress to amend federal laws and regulations to allow federal financial participation for medical benefits to incarcerated individuals until they are convicted and sentenced to secure detention.

Section 2. Urges the Florida Legislature to amend state law to suspend rather than terminate Medicaid benefits when a person is charged with a crime or serves a sentence of less than a year.

Section 3. Directs the Clerk of the Board to transmit a certified copy of this resolution to the members of the Miami-Dade County Congressional Delegation, the Florida Governor, Florida Senate President, Florida House Speaker, Chair and Members of the Miami-Dade State Legislative Delegation, and the Secretary of the U.S. Department of Health and Human Services.

Section 4. Directs the County's federal and state lobbyists to advocate for the passage of the legislation and/or rule change set forth in Sections 1 and 2 above, and directs the Office of Intergovernmental Affairs to include this item in the 2008 Federal and State Legislative Packages.

The foregoing resolution was sponsored by Commissioner Sally A. Heyman, Commissioner Katy Sorenson and Commissioner Rebeca Sosa and offered by Commissioner

Sally A. Heyman , who moved its adoption. The motion was seconded by Commissioner **Katy Sorenson** and upon being put to a vote, the vote was as follows:

	Bruno A. Barreiro, Chairman	aye
	Barbara J. Jordan, Vice-Chairwoman	aye
Jose "Pepe" Diaz	aye	Audrey M. Edmonson aye
Carlos A. Gimenez	aye	Sally A. Heyman aye
Joe A. Martinez	nay	Dennis C. Moss aye
Dorrian D. Rolle	aye	Natacha Seijas nay
Katy Sorenson	aye	Rebeca Sosa aye
Sen. Javier D. Souto	absent	

The Chairman thereupon declared the resolution duly passed and adopted this 10th day of January, 2008. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK



By: **Kay Sullivan**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in black ink, appearing to read "JMM", is written over a horizontal line.

Jess M. McCarty